

DEPARTMENT OF TRANSPORTATION  
U.S. COAST GUARD  
STATEMENT OF  
REAR ADMIRAL THOMAS J. BARRETT  
COMMANDER, SEVENTEENTH COAST GUARD DISTRICT  
ON  
THE MAGNUSON-STEVENSON FISHERY CONSERVATION  
AND MANAGEMENT ACT  
BEFORE THE  
SUBCOMMITTEE ON OCEANS AND FISHERIES  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE  
ANCHORAGE, ALASKA  
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Good morning, Madam Chairman and distinguished members of the Subcommittee. I am Rear Admiral Thomas Barrett, Commander of the Seventeenth Coast Guard District. On behalf of the Commandant, thank you for the opportunity to appear before you today to discuss the Coast Guard's efforts with regards to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA).

The Coast Guard is firmly committed to providing at-sea enforcement in support of the MSFCMA. The Coast Guard recognizes that the economic and biological health of our fisheries is of significant national concern. Our fisheries provide a livelihood for the commercial harvesting industry, a product for consumption by the American public, and enjoyment for millions of recreational fishing enthusiasts. The MSFCMA embodies the principle that we all have a collective responsibility to exercise good stewardship over these valuable resources.

The Coast Guard's role goes beyond enforcing fishery management regulations to minimizing the loss of life from fishing. In Alaska's harsh environment, this is a major challenge. Seventeen Alaska fishers lost their lives in 1999. We are working hard to ensure the vessels engaged in Alaska fisheries are safe, and that our cutters, aircraft, and crews are ready to assist should fishers get in distress. Our ultimate goal is for all fishers to operate their vessels safely and in compliance with the fisheries management regulations. The Commercial Fishing Vessel Safety

Act and other safety initiatives have helped reduce the loss of life from commercial fishing by almost 50 percent over the last 10 years (from losing an average of 34 persons annually in Alaska in the 1980's to 16 in the 1990's). However, fishing in Alaska is still the most dangerous occupation in the United States. We have strategically positioned our cutters and helicopters during openings of the most hazardous fisheries to improve our search and rescue readiness posture. We are also expanding our fishing vessel safety program and focusing at-sea boardings and dockside exams on vessels engaged in high-risk fisheries. For example, we recently initiated Operation "Ready for Sea," a fishing vessel safety program focused on the top ten safety items designed to mitigate known risks and help ensure a vessel's safe return to port. If these vessels are truly "Ready for Sea," they should be able to survive the heavy weather we routinely face in Alaska.

#### Coast Guard Living Marine Resource Enforcement

We are deeply committed to the stewardship of living marine resources through an effective law enforcement program. We have developed a long-range strategy called OCEAN GUARDIAN to provide effective enforcement in support of the national goals for fisheries resource management and conservation. This strategy includes four key objectives:

- Prevent illegal encroachments of the U.S. Exclusive Economic Zone (EEZ) and territorial waters by foreign fishing vessels.
- Ensure compliance with domestic living marine resource laws and regulations within the U.S. EEZ by U.S. fishers.
- Ensure compliance with international agreements for the management of living marine resources.
- Ensure the development of viable enforcement schemes designed to protect, conserve, and manage living marine resources.

To prevent illegal encroachments of the U.S. EEZ, Coast Guard cutters and aircraft in Alaska patrol both the U.S./Russian Maritime Boundary in the Bering Sea and the U.S./Canadian Maritime Boundary in Dixon Entrance. Both borders call for near full-time Coast Guard presence during peak activity periods that may last several months. Of the two boundaries, the U.S./Russian Maritime Boundary is significantly more resource-intensive to enforce due to its remote location, extreme weather conditions, and high levels of activity. As many as 120 vessels from many different nations routinely operate within 50 nautical miles of the boundary from May through December. In 1999, this foreign fleet became very aggressive in "pushing the line" and in one case intentionally obstructed Coast Guard enforcement efforts. The number of detected illegal encroachments increased from the previous annual average of 12 to more than 90 encroachments in 1999. In response to this increased activity, the Coast Guard diverted cutters from other missions to provide nearly constant high endurance cutter presence and almost daily HC-130 flights. During the higher threat periods, the Coast Guard had two high endurance cutters patrolling the line. This mission is not just about protecting pollock, but also one of national sovereignty and the security of our maritime boundaries.

In Alaska there are over 300 Federal time, area, and species openings and closings in a given year. The Coast Guard ensures vessels are fishing where they ought to, when they ought to, and how they ought to. The Coast Guard in Alaska also enforces the largest Individual Fishing Quota (IFQ) fishery in the world. In 1995, halibut and sablefish management shifted to an IFQ system, and individual fishers were each given their own annual quota that could be taken at a time of their choosing during the season. The halibut season went from two 24-hour openings to an 8-month long season. The Coast Guard is committed to providing a law enforcement presence throughout the 8-month season both to ensure compliance with regulations and to be in position to respond to vessels in distress. IFQs allow fishers the opportunity to make their own choices as to when they fish, allowing them to take weather conditions into account without economic penalties, something not possible under the previous derby system. Another large part of domestic enforcement is patrolling rookery and no-trawl areas created to protect endangered Steller sea lions. Rookeries and haulouts, and the closed areas that protect them, are spread throughout the Alaska region and are often found adjacent to historical fishing

grounds. The Coast Guard patrols these closed areas with cutters and aircraft.

Coast Guard cutters and aircraft also patrol areas outside the U.S. EEZ to monitor compliance with international agreements for the management of marine resources by both U.S. and foreign fishing fleets. Important examples include monitoring the Central Bering Sea (commonly referred to as the “Donut Hole”) to protect U.S. straddling stocks, and patrolling the North Pacific Ocean in support of the United Nations’ moratorium on large-scale high seas pelagic drift net (HSDN) fishing. HSDN vessels targeting salmon in the North Pacific are of particular concern, especially in light of the importance of the salmon fishery to the state of Alaska. The Coast Guard works closely with the North Pacific Anadromous Fish Commission (NPAFC) to coordinate international enforcement efforts throughout the HSDN high-threat area in the northwest corner of the Pacific Ocean. Due to the remote location of this vast area, only our largest cutters and long-range aircraft can patrol it effectively. In 1999, Coast Guard and Canadian aircraft detected ten vessels using large-scale drift nets in this area. A Coast Guard cutter, with the assistance of a People's Republic of China (PRC) shiprider, later boarded three of these vessels. Two vessels were identified as Russian and were turned over to a Russian Federal Border Service vessel for prosecution. The PRC government refuted the third vessel’s claim to PRC registry, and the vessel was assimilated to statelessness, seized, and brought into the port of Adak. Analysis conducted by National Marine Fisheries Service (NMFS) indicated that many of the salmon that were seized from this vessel came from Alaska stocks. The Coast Guard is currently working with the NPAFC to coordinate enforcement plans for 2000.

Effective living marine resource management and enforcement requires a team effort. In Alaska, the Coast Guard has an excellent relationship with the North Pacific Fishery Management Council (NPFMC), NMFS, National Oceanic and Atmospheric Administration, the United States Attorney, Alaska Board of Fish, Alaska Department of Fish and Game, and the fishing industry. To improve foreign fishing vessel compliance with U.S. and international regulations, the Coast Guard has developed good working relationships with NPAFC, Northeast Border District of the Russian Federal Border Service, Fisheries Agency of Japan, Canadian Department of Fisheries and Oceans, and the PRC Bureau of Fisheries. These international

relationships, developed in partnership with the Department of State, help improve the Coast Guard's effectiveness on the fishing grounds.

### MSFCMA

From the Coast Guard's perspective, the fisheries management system is working well in Alaska. Federally managed stocks appear to be healthy, and there is a commitment to the resource by all stakeholders. The Fishery Management Councils develop plans to conserve and manage fisheries resources, and a growing part of this process involves allocation. The Coast Guard needs to remain neutral to allocation issues and to specific conservation and economic objectives. Our role, rather, is to aid fisheries managers in choosing among various management alternatives by providing them expert advice on the operational realities of at sea-law enforcement and vessel safety. Nevertheless, the Coast Guard can and does influence the development of regulations we are asked to enforce. Our participation as a nonvoting member on Fishery Management Councils is critical and is one of the foundations of effective enforcement.

The original MSFCMA wisely recognized that enforcement is needed for effective management; the Coast Guard and NMFS were tasked to provide that enforcement. The Coast Guard is dedicated to ensuring that enforcement is impartial, fair, consistent, and effective, and is also perceived as such. By necessity, fisheries regulations are increasingly complex, so in 1993 the Coast Guard conducted a comprehensive study on fisheries enforcement, the trends in the fisheries and fisheries management, and Coast Guard requirements to meet the challenges of this complex task. As a result of that study and implementing actions: (1) we have increased the training and expertise of our enforcement personnel; (2) we have developed a closer relationship with the fishing industry and other stakeholders; (3) we have provided higher quality information to the regional fisheries management councils; and (4) we have improved cooperation and coordination with the National Marine Fisheries Service and state enforcement agencies.

Although not a direct action under the MSFCMA, the resources appropriated during fiscal year 1994 to establish five regional fisheries training centers has been critically important in ensuring Coast Guard enforcement personnel remain professional and stay current with the ever-changing and complex nature of fisheries regulations. One of the largest of these centers is located in Kodiak, where over 1,100 Coast Guard people were trained last year. One of the reasons training is so effective is because commercial fishermen and fishery resource managers are included in the operation of the school. They make important contributions by participating as guest speakers and reviewing course materials. The net result is boarding teams that more effectively enforce regulations because they have a better understanding of the fishing industry they regulate and the conservation goals of the fishery management plans.

#### Enforcement Challenges

The Coast Guard sees several challenges to effective fisheries enforcement now and in the future. As foreign fisheries continue to decline, there will be an increase in the threat to fisheries over which the United States has jurisdiction. As pollock stocks continue to fall in the Sea of Okhotsk, more and more foreign vessels will look towards the fishery along the U.S./Russian Maritime Boundary. Illegal HSDN activity in the North Pacific has increased in recent years, and although fleet sizes are nowhere near the size of fleets that legally fished prior to the moratorium, the Coast Guard will need to continue our enforcement efforts in this area. Also, if pollock stocks recover sufficiently to open up the “Donut Hole” in the Central Bering Sea, the Coast Guard will again be called on to ensure the integrity of our maritime boundaries surrounding this area.

With the enactment of the Sustainable Fisheries Act (SFA), the 1996 reauthorization of the MSFCMA, an increased emphasis has been placed on the conservation and sustainability of fish stocks. New mandates regarding essential fish habitat, bycatch, and overfishing have led to a significant increase in the number of fisheries regulations that require Coast Guard

enforcement. In many cases these new mandates have prompted the establishment of closed areas, marine protected areas, and other management regimes requiring additional at-sea presence. In addition, fisheries managers, resource users, and others expect the Coast Guard's knowledge, expertise, and effectiveness in fisheries enforcement to keep pace with the rapid changes in regulatory regimes.

The Coast Guard, as a multimission service, is required to meet many national mandates and to counter an array of threats to national security. In the Coast Guard's Pacific Area there has been a significant increase in drug smuggling activity and illegal alien migration. Some of the assets used to respond to these threats also help to execute our living marine resource mission in the North Pacific. The environment in which our cutters and aircraft operate in the Pacific is also particularly daunting. Vast distances between operating areas means cutters may need to transit for more than ten days just to be in position to respond to these threats. Add to this the harsh weather conditions common to the North Pacific, and we find that our cutters and aircraft are pushed to the limits of their endurance. Another challenge of note in Alaska is the limited number of ports and airports where our units can resupply. As a consequence, we are constantly challenged to apply our resources against the most critical threats in support of national policy objectives.

To meet some of these challenges, we need to incorporate the use of new technologies, such as improved sensors on our cutters and aircraft, and Vessel Monitoring Systems (VMS), to help us be more effective and efficient in applying our cutter and aircraft resources. Although VMS will greatly assist in the monitoring of closed areas, it is not a panacea. VMS does not ensure compliance with many other management measures such as gear and catch restrictions and, therefore, cannot replace the need for at-sea boardings. It also cannot replace an enforcement platform that is available to respond to incursions or to conduct critical search and rescue.

We must also focus on Coast Guard readiness. We, like all of the military services, face significant readiness challenges and these challenges are impacting our ability to meet all mission requirements. I cannot allow my people to go in harm's way, as they do with regularity in the

harsh Alaskan environment, without ensuring they have the proper training and that the equipment they use is properly maintained. In the past, the Coast Guard has been able to mitigate the impacts of some of these readiness challenges by leveraging flexibility, managing increased risk, and, quite frankly, by asking our people to work ever harder. We have reached the point that these problems can no longer be addressed this way. The Coast Guard is focused on maintaining our ability to respond to the most emergent needs of this nation.

In Alaska, this means taking the steps necessary to ensure first and foremost that we are able to answer the call when fishing vessels find themselves in distress. Why must we do this? There are numerous reasons and many examples, but none tells the story better than the readiness problems we are facing with our HC-130 aircraft. The HC-130 is the long-range “workhorse” in Alaska that is used to protect our fishing fleet and provide coverage of the U.S./Russian Maritime Boundary, the "Donut Hole," and HSDN areas. HC-130 availability is at an all-time low. We have older aircraft, we have worked them extremely hard, we have dwindling supplies of spare parts, and we have a less experienced team of mechanics. Unfortunately, most of these issues cannot be fixed overnight and we are taking steps to better understand these types of problems and develop the right long-term fixes.

Readiness is the foundation of all Coast Guard operations and we must ensure we remain “Always Ready,” not only in the near term, but in the future as well. People are the backbone of the Coast Guard and we must be able to recruit, train, and retain those people who we ask on a regular basis to go into the “storm” or to endure the brutal conditions of the Bering Sea protecting our fisheries resources and those that rely on these fisheries for their livelihood. We must be able to maintain the equipment and facilities required to meet national objectives and we must give our people the right equipment to do their jobs safely and effectively. The fiscal year 2000 budget provides nearly \$50 million in additional funds to improve readiness.

Modernization concerns are being addressed by the Coast Guard through an innovative Deepwater Capability Replacement Project. This project is designed to ensure timely acquisition of a system of assets that will leverage technology to meet the demanding mission needs in the offshore environment, such as the large and sometimes very harsh North Pacific.



## Conclusion

Protecting and sustaining this nation's fisheries resources and the marine environment is critical, and the Coast Guard plays a vital role in this process. The Coast Guard is unique in that it is the only U.S. agency with the expertise, assets, flexibility, and law enforcement authority to meet the nation's offshore needs for the protection of living marine resources. The Coast Guard believes that the Magnuson-Stevens Fishery Conservation and Management Act contains the elements and authorities necessary for effective enforcement. The Coast Guard's fisheries enforcement mission, more than any other, crosses several critical national policy concerns: economic, environmental, and sovereignty. We remain challenged to respond to a growing number of maritime threats and national policy demands, including fisheries protection. Finally, our recently developed strategic plan, OCEAN GUARDIAN, lays out the framework for us to meet national goals for living marine resource conservation and management for the next 5 to 10 years.

Thank you for your continued leadership and support of the Coast Guard, and for providing the opportunity to discuss these important fisheries issues with you today. I will be happy to answer any questions you may have.